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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

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**BROOKSHIRE BROTHERS HOLDING, INC.,  
ET AL**

**CIVIL ACTION NO. 04-1150**

**-vs-**

**JUDGE TRIMBLE**

**TOTAL CONTAINMENT, INC., ET AL**

**MAGISTRATE JUDGE WILSON**

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**ORDER**

Pursuant to this Court's Memorandum Ruling issued this day, we find that all claims against Commerce & Industry Insurance Co. not filed on or before August 15, 2002 have prescribed. Accordingly, defendant's Motion for Summary Judgment [Doc. # 543] is hereby **GRANTED.**

This Court finds that there defendants' instant motion concerns a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the this Order may materially advance the ultimate termination of the litigation pursuant to 28 U.S.C. § 1292(b).

**THUS DONE AND SIGNED** at Alexandria, Louisiana this 20<sup>th</sup> day of  
December, 2006.

  
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JAMES T. TRIMBLE, JR.  
U.S. DISTRICT COURT JUDGE